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Chamberlain

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
MICHAEL RICHARD LYNCH AND  
STEPHEN KEITH CHAMBERLAIN,  
Defendants.

CASE NO. 3:18-cr-00577-CRB

**EX PARTE APPLICATION TO  
CLARIFY CONDITIONS OF BOND  
FOR DEFENDANT STEPHEN  
CHAMBERLAIN**

Assigned to Hon. Charles R. Breyer

Hearing:

Date: September 25, 2019  
Time: 1:30 p.m.  
Courtroom 6, 17th Floor

1           Mr. Chamberlain, a citizen of the United Kingdom, has voluntarily waived  
2 extradition and appeared before this Court. The Court, with the consent of the  
3 government, set conditions of pre-trial release which allow Mr. Chamberlain to  
4 travel to any country which has an extradition treaty with the United States. Mr.  
5 Chamberlain has abided by all conditions of pre-trial release imposed by this Court.  
6 However, travel to the United States has been difficult if not impossible for Mr.  
7 Chamberlain due to the restrictions apparently imposed by immigration authorities.

8           On each of the several occasion when Mr. Chamberlain has attempted to  
9 travel to the United States over the past months, Mr. Chamberlain has been required  
10 to give several weeks advance notice to the government, including his exact  
11 itinerary, plane and hotel information, and reason for travel, so as to receive  
12 authorization to enter the United States.

13           On the occasions where Mr. Chamberlain was traveling for court appearances  
14 or consultation with counsel, it has been virtually impossible in the lead-up to such  
15 travel for either Mr. Chamberlain or his counsel to obtain updates or information on  
16 the status of his authorizations. In each instance, despite having provided travel  
17 information several weeks prior, he has only received authorization from United  
18 States Immigration and Customs Enforcement at the very last minute – usually the  
19 day before he is to fly – to enter the United States. These last-minute authorizations  
20 require Mr. Chamberlain to travel (without advance notice) from his home in  
21 Cambridge to the United States embassy in London in order to retrieve the  
22 necessary documents.

23           On the occasions where Mr. Chamberlain was traveling to the United States  
24 for business, he has been denied authorization to enter the United States by  
25 Immigration and Customs Enforcement.

26           The Assistant United States Attorneys assigned to this matter, and the FBI  
27 special agent investigating this matter, have been unsuccessful in their efforts to  
28 obtain advance authorization for Mr. Chamberlain in the case of travel for court

1 appearances or consultation with counsel, and unsuccessful in their efforts to obtain  
2 authorization for Mr. Chamberlain in the case of travel for business.

3 Title 18, United States Code, section 3142(c)(1)(B) requires that conditions of  
4 bail be the “least restrictive” that will reasonably assure Mr. Chamberlain’s  
5 appearance. There is a significant public benefit in helping to accomplish this  
6 statutory requirement by ensuring that the conditions of bail are not harsher than the  
7 statute requires. Permitting travel to the United States for business for a defendant  
8 otherwise allowed to travel is consistent with setting conditions of bail in the “least  
9 restrictive” manner. Indeed, it actually advances the government’s interest in  
10 assuring a defendant’s appearance.

11 Mr. Chamberlain respectfully submits that the Court’s intent in ordering  
12 pretrial release and the imposed bond conditions was that Mr. Chamberlain be able  
13 to travel freely between the United States and the United Kingdom so long as he  
14 complies with all other terms of his pre-trial release.

15 THEREFORE, Mr. Chamberlain now applies to the Court for an Order  
16 clarifying the conditions of his pretrial release, and specifically clarifying that Mr.  
17 Chamberlain is allowed to travel to the United States in connection with both the  
18 above-referenced court case as well as for business reasons, and ordering that all  
19 relevant federal agencies expeditiously provide any and all approvals necessary for  
20 Mr. Chamberlain to travel to the United States and back to the United Kingdom  
21 upon request made by Mr. Chamberlain or his counsel with at least three weeks’  
22 notice.

23 Counsel for the government has indicated that it opposes this application and  
24 will file a brief in response.

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1 DATED: September 3, 2019

Gary S. Lincenberg  
Bird, Marella, Boxer, Wolpert, Nessim,  
Drooks, Lincenberg & Rhow, P.C.

5 By: \_\_\_\_\_



6 Gary S. Lincenberg  
7 Attorneys for Defendant Stephen Keith  
Chamberlain

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